

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #9	CCRB Case #: 201906101	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/04/2018 , Thursday, 05/10/2018 , NA, __/__/2018	Location of Incident: [REDACTED]	Precinct: 44	18 Mo. SOL 7/1/2019	EO SOL 7/1/2019	
Date/Time CV Reported Fri, 07/12/2019 11:42 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 07/12/2019 11:42 AM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Witness(es)	Home Address				
[REDACTED]	[REDACTED]				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Edward McClain	14159	943544	PBBX		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Brian Hanlon	05831	950459	PBBX		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Edward McClain	Force: Police Officer Edward McClain used physical force against § 87(2)(b) § 87(2)(b)			[REDACTED]	

Case Summary

On July 12, 2019, § 87(2)(b) § 87(2)(b) filed this complaint in person at the Civilian Complaint Review Board.

On an unknown date in 2018, at an unknown time, Police Officer Edward McClain, of Patrol Borough Bronx, grabbed § 87(2)(b) § 87(2)(b) from behind at the northeast corner of § 87(2)(b) § 87(2)(b) in the Bronx, and intentionally took him to the ground without announcing himself as a police officer, causing § 87(2)(b) § 87(2)(b) to sustain a bloody nose and various scrapes (**Allegation A: Force**, § 87(2)(g) § 87(2)(g)).

This incident resulted in the arrest of § 87(2)(b) § 87(2)(b).

No video footage was obtained from this incident.

Findings and Recommendations

Allegation (A) Force: Police Officer Edward McClain used physical force against § 87(2)(b) § 87(2)(b)

It is undisputed that at the time of the incident, § 87(2)(b) § 87(2)(b) was illegally selling Yankees tickets. It is undisputed that PO McClain took hold of § 87(2)(b) § 87(2)(b) from behind and that § 87(2)(b) § 87(2)(b) and PO McClain fell to the ground. Although it is undisputed that § 87(2)(b) § 87(2)(b) was arrested and both men recalled the incident, neither § 87(2)(b) § 87(2)(b) nor PO McClain could recall the specific incident date. § 87(2)(b) § 87(2)(b) estimated the arrest took place in May or June of 2018; however, it is further undisputed that § 87(2)(b) § 87(2)(b) regularly scalps tickets, that PO McClain has arrested him several times for this crime, and that as a result of these repeat encounters the two men are familiar with one another by name and sight.

In his sworn statement to the CCRB, § 87(2)(b) § 87(2)(b) stated that without identifying himself as a police officer, PO McClain grabbed him in a bear-style hug, obstructing the range of motion of his arms, and deliberately tripped § 87(2)(b) § 87(2)(b) causing him to fall to the ground while unable to brace himself. § 87(2)(b) § 87(2)(b) stated that he struck his face on the ground and sustained a bloody nose, as well as various scrapes. He stated that PO McClain landed on top of him. (Board Review 01)

§ 87(2)(b) § 87(2)(b) stated that there were witnesses to the arrest, but he could not identify them.

In his testimony at the CCRB, PO McClain stated that he grabbed § 87(2)(b) § 87(2)(b) around the waist, announced himself as a police officer, and was recognized by § 87(2)(b) § 87(2)(b) causing § 87(2)(b) § 87(2)(b) to attempt to flee by pulling forward, away from PO McClain. PO McClain stated that § 87(2)(b) § 87(2)(b)'s momentum caused both men to fall to the ground, and that he released § 87(2)(b) § 87(2)(b) landing beside him. (Board Review 02)

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO McClain has been a member of service for 12 years and has been a subject in 7 other CCRB complaints and 22 other allegations, of which 4 were substantiated:
 - 201209982 involved substantiated allegations of a force with a vehicle against PO McClain. The Board recommended Charges and the NYPD retained the case without discipline.
 - 201806754 involved substantiated allegations of abuse of authority against PO McClain. The Board recommended charges and the NYPD imposed Command Discipline A.
 - PO McClain's CCRB history does not reflect any patterns pertinent to this investigation.

Mediation, Civil and Criminal Histories

- On July 17, 2019, this case was sent to mediation and on August 14, 2019, the case was returned to investigation as the complaint was no longer eligible for mediation.
- A FOIL request was submitted with the New York City Office of the Comptroller for a Notice of Claim and will be added to the case file upon receipt.

- § 87(2)(b) [REDACTED]

Squad No.: _____

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature

Print Title & Name

Date

Page 4

CCRB Case # 201906101